



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENTERED
08/12/2009

IN RE: §
SKYPORT GLOBAL § **CASE NO. 08-36737-H4-11**
COMMUNICATIONS, INC., §
§
DEBTOR § **Chapter 11**

**ORDER DISMISSING DRACO CAPITAL, INC. EMERGENCY MOTION TO
TERMINATE EXCLUSIVITY (DOC. 305)**

Draco Capital, Inc. ("Draco") filed its Emergency Motion to Terminate Exclusivity. The Debtor filed a response asserting, *inter alia*, that Draco lacked standing to seek such relief, and therefore such Motion should be dismissed. The Court conducted a hearing on Draco's standing on August 7, 2009, at which counsel for the parties appeared and presented evidence and oral argument. After careful consideration, the Court determined that Draco is not a party in interest under 11 U.S.C. §1109(b) and therefore lacks standing. Therefore, based on the findings of fact and conclusions of law orally read into the record, and as may be subsequently memorialized in written findings and conclusions prepared by the Court, it is

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ORDERED that Draco's Emergency Motion to Terminate Exclusivity be and is hereby dismissed for lack of standing.

DATED:

August 12, 2009


UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND SUBSTANCE

WEYKER, KAPLAN, PULASKI & ZUBER, P.C.

By: Edward L. Rothberg

Edward L. Rothberg
State Bar No. 17313990
Hugh M. Ray, III
State Bar No. 24004246
Eleven Greenway Plaza, Suite 1400
Houston, TX 77046
Telephone: 713.961.9045
Facsimile: 713.961.5341

ATTORNEYS FOR SKYPORT GLOBAL COMMUNICATIONS, INC.

APPROVED AS TO FORM ONLY

VINSON & ELKINS, LLP

By: John E. Mitchell

John E. Mitchell
State Bar No. 00797095
2001 Ross Avenue, Suite 3700
Dallas, TX 75201-2975
Telephone: 214.220.7766
Facsimile: 214.999.7766

ATTORNEY FOR DRACO CAPITAL, INC.